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COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 19 March 1997, at 3 p.m.

Chairman: Mr. SOMOL (Czech Republic)

CONTENTS

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;

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CONTENTS (continued)

(b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (continued)

The meeting was called to order at 3.20 p.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

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(agenda item 5) (continued) (E/CN.4/1997/17-20, 106, 110, 112, 115 and 120; E/CN.4/1997/NGO/9; E/CN.4/Sub.2/1996/12 and Corr.1; E/CN.4/Sub.2/1995/11; A/C.3/51/6)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 6) (continued) (E/CN.4/1997/21 and 22; E/CN.4/1997/NGO/2)

1. Mr. SANDOVAL BERNAL (Colombia) said that, the international community was still far from agreeing on a strategy to create favourable conditions for the realization of the right to development. If nations or their population groups were deprived of access to the basic requirements for equitable and integrated development, there would be a permanent danger of war and the future of the species itself would be affected. It was in the interest of all countries to realize the right to development, which should not be a point of contention between North and South, but rather a point of convergence, as human rights concerns had been thus far.

2. To facilitate development, it was necessary, inter alia, to guarantee equitable trade relations, promote the transfer of technology, stimulate international cooperation, coordinate the macroeconomic policies of different countries and strengthen environmental protection. Priority should be given to providing access to new technologies, scientific advances and cultural development and, at the national level, to strengthening democracy, eradicating extreme poverty and guaranteeing the right to education.

3. As Chairman of the Movement of Non-Aligned Countries, Colombia sought to promote dialogue between developed and developing countries to eliminate the obstacles to development. The Centre for Human Rights and the Intergovernmental Group of Experts on the Right to Development also had important roles to play in that area. Since realization of the right to development was a shared responsibility, there was no room for paternalistic considerations. The aim was to promote justice, dignity and peace in the global village by respecting the self-determination and cultural diversity of peoples.

4. Mr. Tae-Yul CHO (Republic of Korea) said that, when discussing the current agenda items, the members of the Commission did not display the expected level of common commitment to the realization of economic, social and cultural rights. Instead of rehashing theoretical or political arguments, they should focus on developing specific actions and programmes.

5. He welcomed the practical proposals contained in the progress report of the Intergovernmental Group of Experts on the Right to Development (E/CN.4/1997/22) and hoped that the Group would be able to devise a more comprehensive and action-oriented strategy before the Commission's next session.

6. While the international community had come to recognize that economic, social and cultural rights were as important as civil and political rights, it must also recognize that one category of rights could not be promoted at the expense of the other; in particular, lack of development could not be invoked to justify the abridgement of internationally recognized human rights. His own country's single-minded quest for national reconstruction had often in the past been pursued at the expense of democracy and even of human rights and fundamental freedoms.

7. Its experience had shown that economic and social development was a crucial element in the promotion of human rights and democratic development but also that economic development which did not enhance respect for human rights and democracy was a hollow victory at best. Economic development did not automatically guarantee the enjoyment of human rights; Governments and peoples had to work hard to achieve it. Regional and global efforts were indispensable for promoting economic, social and cultural rights but they must be preceded by self-initiated actions at the national level.

8. Over the last decade, the Republic of Korea had shared its experience bilaterally and multilaterally. Its official development assistance had amounted to US$ 116 million in 1995. Although that represented a small percentage of the country's gross national product (GNP), the amount was expected to increase rapidly in the coming years. His country would also organize co-financing arrangements for specific projects and would continue to send experts to, and receive trainees from, other developing countries under the programmes of the Korea International Cooperation Agency (KOICA). By 2010, his Government planned to provide technical training for over 30,000 people from developing countries; in 1996-1997, it would conduct training programmes for over 2,300 people.

9. Mr. HERNÁNDEZ BASAVE (Mexico) said that, while the international community was more aware than ever before of the need to promote human rights and fundamental freedoms, poverty was increasing throughout the world. One fifth of the world's population lived in extreme poverty, while the richest 20 per cent received nearly 83 per cent of worldwide income. It was therefore important to strengthen the concept of the right to development in all the programmes of international organizations and financial institutions, and in the structural adjustment programmes carried out with the participation of the Bretton Woods institutions. Poverty, which affected all countries, constituted a denial of human rights, and he welcomed the proclamation of the first United Nations Decade for the Eradication of Poverty.

10. His delegation supported the approach taken by the Intergovernmental Group of Experts on the Right to Development and most of the proposals put forward in chapter III of its report (E/CN.4/1997/22). Priority should be given to addressing the problem of external debt, so as to reverse the flow of financial resources from developing to developed countries; improving and stabilizing commodity prices; stopping the absurd waste of money on armaments and eliminating coercive economic measures, the extraterritorial application of domestic laws and the use of human rights as an instrument of trade protectionism or for narrow economic or political ends.

11. Mexico's public expenditure in 1996 had amounted to US$ 26.5 billion, or 53 per cent of the Government's budgetary expenditure and 9.1 per cent of the country's GDP. Of that amount, 86 per cent had been allocated to education, health care and poverty reduction, especially in rural areas. In real terms, the social-development budget had been 2.5 per cent higher in 1996 than in 1995 and the 1997 budget would represent a 9 per cent increase over the 1996 budget. His Government was thus striving to honour its commitment to guaranteeing the right to development.

12. Mr. PLORUTTI (Argentina) said that all human rights were interrelated and must be addressed in a balanced way. While political democracy was the foundation for the enjoyment of those rights, it could not guarantee them in the absence of social justice.

13. Argentina had revitalized the potential of its economy and society by emphasizing good governance, fiscal discipline, accountability in the management of public finances, legal equality between national and foreign investments and the fight against corruption. Its processes of State reform and regional economic integration sought to raise its people's standard of living. The two basic pillars of those changes were political freedom and economic freedom.

14. The immediate costs of economic reform would be amply offset by the ongoing benefits of interaction with the world economy. The Southern Common Market (MERCOSUR) was a vehicle for such interaction. Moreover, the interregional framework agreement concluded between MERCOSUR and the European Union would strengthen economic, political and cultural ties between the two groups of countries.

15. People were at the centre of development efforts. In seeking economic growth through liberalization, countries must bear in mind that their primary objective was not just to respect human rights, but also to promote and strengthen them.

16. Education and scientific and technological development were essential for generating competitive advantages in a world where knowledge had become a valuable resource. Accordingly, Argentina had extended the period of mandatory basic education to 10 years and was modernizing its school curricula and infrastructure. Primary education was virtually universal, and enrolment in secondary education had increased by 24 per cent. New policies were being developed for the national universities to guarantee quality and equity, and their budget had been increased by 75 per cent.

17. His Government's plans in the cultural sphere included constitutional recognition of the cultural identity of indigenous peoples and their right to bilingual and intercultural education, the establishment of a regional headquarters of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Buenos Aires and the upgrading of the Secretariat of Culture to the status of a State secretariat.

18. After two years of difficulties caused by the external crisis, Argentina's economy had entered a high-growth phase which would help reduce unemployment and yield benefits for all of its people, especially the neediest. Economic growth must be geared to ensuring the well-being of the people, since human rights took precedence over federal and ordinary law.

19. Mr. ZAHRAN (Egypt) said that nothing had been done to implement the 1986 Declaration on the Right to Development. As the world economy grew, the rich were getting richer and the poor poorer. Income in 70 developing countries was actually lower than in the 1960s, and 17 per cent of the world's population was living in poverty. The implementation of the right to development needed the cooperation of all concerned and must be based on respect for the principles of international law and mutual respect.

20. Economic globalization posed greater challenges to the developing countries and a greater threat of instability, which was bound to affect the human rights situation in those countries. The developed countries had not fulfilled the pledges they had made, and human rights violations in the developing countries were the result. The implementation of the right to development was a means of combating poverty and ending conflict. Measures were needed to prevent the inequitable distribution of the development dividend from leading to further injustice.

21. The developing countries needed to be protected from the damaging effects of the new international trade rules. Action was needed to combat the instability of the commodity markets, and to ensure that financial resources flowed from the developed to the developing countries and not the other way round. There was an increasing tendency for the developed countries to impose new trading conditions, relating to environmental requirements or working conditions for example, in an attempt to cancel out the main advantage of the developing countries, namely, their labour-intensive, low-wage economies.

22. The international community must review the impact of structural adjustment programmes and indebtedness on the right to development, taking into account the views of the developing countries. The developed countries must also fulfil their pledges, particularly that to devote 0.7 per cent of their GNP to official development assistance; a monitoring body was needed to oversee that measure. There was also a need for a working group to look carefully at the impact of the actions of transnational companies on the economies of developing countries and their right to development. Human rights should not be used as an excuse for protectionism or a tool to exert pressure or impose unfair trading conditions.

23. The Centre for Human Rights must produce a programme to disseminate information on the promotion and implementation of the right to development. There was a need for greater coordination between the specialized agencies,

the international financial institutions and other international organizations to define programmes which respected the right to development. Finally, he hoped that the next session of the Intergovernmental Group of Experts on the Right to Development would be open to all interested parties.

24. Mr. ZIARAN (Observer for the Islamic Republic of Iran) said that little progress had been made in implementing the 1986 Declaration on the Right to Development. The right to development had often been treated as a second-class right, and attempts had been made to limit its scope. The right to development was a right of peoples as well as of individuals, and it also covered relations between States, so that responsibility for implementing it was shared between citizens, States and international organizations. He did not agree that it needed to be redefined in the light of dramatic changes in the world, as had been suggested during the deliberations of the Intergovernmental Group of Experts on the Right to Development. If that argument was accepted, all human rights would have to be reviewed.

25. The mandate of the Group of Experts was to develop a practical strategy for the implementation and promotion of the right to development. It should thus focus on the elimination of obstacles to implementation, the transboundary impact on human rights of State policies and the policies of international organizations, the creation of a fair international economic environment, and the setting up of review mechanisms. Although the right to development had political, economic, social and other dimensions, it had yet to be incorporated in the programmes and activities of international organizations, which must become more proactive.

26. He agreed with the calls for greater openness in the working methods of the Group of Experts, and hoped that States and NGOs would be able to participate in the Group's future sessions.

27. Mr. CARRILLO-ZÜRCHER (Observer for Costa Rica) said that the Vienna Declaration and Programme of Action had emphasized that democracy, development and respect for human rights were mutually reinforcing and interdependent concepts. That fact had long been understood in his country, which had abolished its army in 1949 and reallocated the defence budget to education, health and social security, with the result that Costa Rica enjoyed a relatively high level of human development.

28. The persistence of economic and social inequalities in the world had not only revealed inadequacies in the means of wealth creation and distribution, but had also led the international community to consider the right to development as both an individual and a collective right. Many countries, far from enjoying the benefits of economic globalization, were simply being sidelined by the developments in communications, computers and biotechnology. They were mostly, but not exclusively, developing countries; workers in industrialized countries were also suffering from high rates of unemployment.

29. His Government had responded to the challenge of the emerging development model by thoroughly restructuring its economy so as to encourage greater productivity and competitiveness. It had achieved economic growth and diversification against a background of democracy and social stability, by

following a model developed by the Alliance for the Sustainable Development of Central America, which promoted economic development while protecting the environment.

30. Structural adjustment policies and austerity measures were sometimes carried out at the expense of the well-being of individuals or population groups. The international financial institutions subordinated individual well-being to the availability of resources but the individual human being should be the central concern of all development efforts. His Government considered programmes to improve the well-being of individuals and groups to be an investment. Investment in health, for example, was extremely cost-effective; investment in education, social programmes and housing contributed to the preservation of family and community values and a national identity.

31. Financial gain could be seen not only as the driving force behind economic activity but also as a means of realizing human rights. However, for that to be so, the international community must consider the well-being of individuals and groups as an integral part, not a side-effect, of the development process. He therefore urged the international financial institutions and the Governments of the industrialized countries to incorporate that idea into their policies, and to become more aware of the impact of economic activity on fundamental human rights.

32. Mr. BOHR (International Organization for the Development of Freedom of Education) said that economic, social and cultural rights did not receive the same treatment as other human rights within the United Nations system. The argument that such rights were not justiciable was merely an indirect way of denying their existence. In actual fact, the bracketing together of those three categories of rights, although historically justified, was not very appropriate. Human rights could be viewed only as indivisible and interdependent reflections of different aspects of the human person. The right to education, for example, was undoubtedly a civil and political right as well as an economic, social and cultural one.

33. It was high time that the international community adopted a more serious approach to economic, social and cultural rights. The Commission should appoint thematic special rapporteurs on each of the rights concerned, especially those that had hitherto received least attention, and should authorize a study of the right to education and cultural rights, particularly from the standpoint of the right to identity. Lastly, the position of the right to development on the Commission's agenda should be changed in order to bring out the human and cultural dimensions of that right and not just the economic aspect.

34. Mr. POPOVIC (Sierra Club Legal Defence Fund, Inc.) said that the Commission had had nearly three years to consider the final report on human rights and the environment by the Special Rapporteur on the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1994/9 and Corr.1). The proposal by the delegation of the Marshall Islands - which he hoped would be accepted - that the Commission should make human rights and the environment a sub-item of its agenda and request a report from the High Commissioner for Human Rights on preventive measures to address the human

rights violations caused by environmental destruction provided the Commission with the opportunity to formalize consideration of the issue and explore ways of addressing it effectively.

35. While agreeing with the view expressed by some States that the Commission was not an appropriate forum to address environmental issues per se, his organization believed that it was the Commission's duty to address the human rights implications of environmental destruction, as exemplified by the two reports on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (E/CN.4/1996/17 and E/CN.4/1997/19). It was to be hoped that the Special Rapporteur on the topic would have the opportunity to carry out her mandate in full, including the compilation of a list of victims of toxic dumping.

36. Mr. MOKIL (War Resisters International) said that the realization of economic, social and cultural rights could not be achieved by States such as Yemen that were suffering from the consequences of a conflict which had not been resolved by peaceful means. The people of southern Yemen, in particular, some 80 per cent of whom lived below the international poverty line, were facing general discrimination, massive repression of basic liberties and other forms of human rights abuse. His organization thus appealed to the Commission to do its utmost to persuade the Government of Yemen to comply with the relevant General Assembly and Security Council resolutions and thus achieve the national dialogue and reconciliation that were needed before there could be any realization of the people's economic, social and cultural rights.

37. Ms. TALBOT (World Peace Council) said that her organization welcomed the decision taken at the World Conference on Human Rights to include the right to development as a basic human right. The economic globalization currently taking place was the result of carefully planned legal and institutional changes, embodied in a series of international agreements and controlled by international financial institutions, which threatened national sovereignty and the right to development, thus jeopardizing the very foundations of democracy.

38. Unemployment, poverty and hunger were increasing rapidly with women and children as the chief victims. Massive cuts in health care, education and social services and the undermining of the role of the trade unions were causing instability, racism, refugee and migrant flows, illicit drug trafficking, the rise of neo-fascism and religious fundamentalism, ethnic conflicts, environmental degradation and war. The practices of transnational corporations, which clearly ran counter to basic economic, social and cultural rights, were exacerbating the situation.

39. There was thus a clear and urgent need for the new international economic order that had been repeatedly called for by the General Assembly. The sovereignty, self-determination and economic development of nations must be guaranteed by respecting the provisions of the Charter on Economic Rights and Duties of States, and renewed efforts made to complete the Code of Conduct for Transnational Corporations. Only then could there be a full realization of all the rights enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights.

40. Ms. de WEICHS de WENNE (Transnational Radical Party) said that the loss of traditional lands and natural resources had been identified as a major cause of the deterioration in the health, economic situation and general well-being of indigenous peoples. Indigenous lands were also particularly affected by environmental degradation and pollution, largely as a result of the activities of transnational corporations. Indigenous peoples were not consulted or invited to participate in many projects conducted by such corporations on their territories, and rarely benefited from the projects in terms of access to employment. The result had, in many cases, been tensions that sometimes erupted into conflicts, Bougainville, in West Irian and Ogoni being cases in point.

41. Moreover, as exemplified by the same cases, transnational corporations often played a major role, through their activities and financial support, in sustaining repressive regimes. The Commission should thus continue the Sub-Commission's work on land rights and transnational corporations and, as a first step, should authorize the Sub-Commission to appoint a special rapporteur to conduct a comprehensive study on the problem of recognition and respect for indigenous land rights and also to develop a monitoring system.

42. Mr. PARY (Indigenous World Association) said that external debt was a major obstacle to the effective use of natural resources. Third-World debt had stood at US$ 1.351 billion at the end of 1991, having doubled since 1981, and had since risen to US$ 1.45 billion. The countries concerned were paying the industrialized countries more than US$ 50 million in interest a year.

43. Debt repayment had created a vicious circle: more than 40 per cent of developing countries' exports in 1988 had been used for debt-servicing and the countries concerned had to seek new loans which increased the debt and gave rise to further interest payments. External debt had thus become a form of slavery: resources were pillaged, the workforce exploited and authoritarian forms of political and government organization imposed in order to meet the strategic interests of the North and of the ruling elites of the South.

44. The effect on the peoples of Latin America had been catastrophic. Some 270 million persons, or 62 per cent of the total population, lived in poverty, 84 million of them in conditions of extreme poverty. About 5 per cent of the population was prosperous. Children and old people were particularly affected. In Latin America, a child died of illness or hunger every minute while 100 million children had been abandoned and were living, eating and sleeping in the streets.

45. He recalled that, at the Commission's previous session, the representative of Bolivia had seen fit to attack the representative of an NGO for mentioning the situation of extreme poverty in that country and had requested that the person, whom he had attacked in personal terms, be punished for daring to "criticize" Bolivia.

46. Mr. CHAMBERLAIN (International Education Development) said that his organization was speaking on behalf of the Mexican national human rights network "Todos los Derechos Para Todos", which comprised 46 human rights organizations throughout the country.

47. Mexico had been in constant economic crisis for the past decade. The high level of government corruption had led to loans from foreign Governments being swallowed up and more being needed. On the latest occasion, the collateral required had been the income from petroleum exports, with the result that Mexico had had to sacrifice two thirds of its petroleum exports to the United States for the next 10 years.

48. The economic crisis and the loss of sovereignty had meant that government expenditure had fallen by 30 per cent since 1995, with resulting restrictions on health, education and housing. More than 48 million people were living in poverty and 20 million in extreme poverty. Only 4.6 per cent of the federal budget was allocated to poverty programmes and debt repayment would cost 90 times as much as the amount allocated to alleviating extreme poverty.

49. The Government's economic policy had led to the failure of small and medium-sized enterprises, with a loss of up to 2 million jobs and real wages had fallen. The agricultural sector had been restructured by reducing credit, eliminating subsidies, doing away with or reducing guaranteed prices, liberalizing trade and privatizing common land. The restructuring of the agricultural sector had resulted in a 4.5 per cent drop in employment per year between 1984 and 1993, leaving 2.1 million persons in poverty or extreme poverty, many of whom had migrated to the cities or emigrated.

50. Environmental pollution had had a serious impact on agricultural production as well as on the quality of life. The irresponsible issue of licences to exploit non-renewable natural resources had led to the over-exploitation of such resources by national and transnational companies.

51. The violation of economic, social and cultural rights had had a particular impact on children, more than 3 million of whom lived and worked in the streets. Between 1980 and 1992, child deaths from malnutrition had been three times as high as in the 1970s. That situation had been reached because of the failure of economic policy and structural adjustment.

52. He urged the international community to express its concern and to ensure that bilateral and multilateral treaties with Mexico were conditional on economic, social and cultural rights being guaranteed.

53. Mr. GONZALES (International Indian Treaty Council) said that, in the case of indigenous peoples, the right to development could not be considered independently from the right to traditional lands and territories. Moreover, they had the right to define for themselves what constituted development; Governments often implemented development schemes that undermined or destroyed traditional forms of sustainable economic self-sufficiency, denying access to or destroying the traditional lands, waters and natural resources of indigenous peoples. He mentioned the examples of the Mole Lake Sokaogon Band of Lake Superior Chippewa, the U'wa people of Colombia, and the Stevens Village peoples of Alaska whose way of life was under threat from mining and oil-drilling interests.

54. Governments the world over had adopted the economics of neo-liberalism and indigenous peoples were being subjected to a form of colonialist

mercantilism. Indigenous traditional lands were treated by the successor States as free sources of natural resources and raw materials. His organization thus called on all States to give substance to the commitments contained in the Declaration on the Right to Development and respect the right of indigenous peoples to their development and their survival.

55. Mr. MAMDOUHI (Observer for the Islamic Republic of Iran), speaking in exercise of the right of reply, said, in relation to the statement by the Minister for Foreign Affairs of Norway, that the Commission had a heavy schedule and statements by guest speakers were intended to provide an opportunity to raise important issues. The Minister in question had ignored that understanding and had pursued a particular political agenda. Specific cases should be raised only under agenda item 10. The Commission should give serious consideration to ways of preventing a recurrence of such incidents.

56. The CHAIRMAN said that guest speakers were invited to participate in the general debate and were entitled to speak on the whole range of items on the Commission's agenda.

57. Mr. GWAM (Nigeria), speaking in exercise of the right of reply, said, in relation to the statement by the Secretary of State for Africa and Latin America of Canada, that dialogue between nations prospered in transparency and respect for the sovereign equality of States. His Government did not accept responsibility for the "disappointing results" of Canada's "dialogue with Nigeria". It had held fruitful dialogues with many countries and international organizations. Canada was a member of the Commonwealth Ministerial Action Group that had visited Nigeria in November 1996 but, regrettably, it had not participated in that visit. Nigeria continued to make satisfactory progress in the transition to democratic governance; nationwide municipal elections had been held on 15 March 1997 and had been judged free and fair by international observers.

The meeting rose at 5.25 p.m